

# Exhibit B

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**From:** Albert, Bradley Scott <BALBERT@ftc.gov>  
**Sent:** Thursday, February 11, 2021 6:13 PM  
**To:** Kaufman, Noah J.; Schmidt, J. Maren  
**Cc:** Reed, Steven A.; Stempel, Scott A.; Mahoney, Stacey Anne; Pollack, Jeffrey S.; Casey, Christopher H.; AJRudowitz@duanemorris.com; Feldman, Brett M.; Kenneth R. David; nrendino@kasowitz.com; Black, Armine; Flint, Phoebe; Tuttle, Bryce; jeremy.kasha@ag.ny.gov; Butrymowicz, Daniel W.; Perlman, Neal  
**Subject:** Feb. 12 Deadline re: Expert Disclosure

[EXTERNAL EMAIL]

Noah –

I am writing to memorialize the parties' agreement.

The parties agree that the February 12 deadline for the disclosure of the identity of experts, and the April 12 deadline for the submission of opening expert reports, impose obligations on the party that bears the initial burden of proof. The parties further agree that Defendants have no obligation to disclose or file opening reports for all issues on which Defendants do not bear the initial burden – specifically (1) those on which the burden may shift to Defendants under Step 2 of the rule of reason framework after Plaintiffs have satisfied their initial burden and (2) the calculation of equitable monetary relief. For those issues, the deadlines pertaining to rebuttal reports (i.e., April 27 and June 1) apply for Defendants. Defendants acknowledge that they are obligated to disclose relevant experts by February 12 and proffer opening expert reports by April 12 on any Affirmative Defenses.

The parties also agree that the expert discovery deadlines shall be modified as follows:

June 4, 2021	Rebuttal Expert Reports
June 29, 2021	Reply Expert Reports
August 13, 2021	Close of Expert discovery

All other deadlines as set forth in the Court's 9/11/2020 Scheduling Order (ECF 243) shall remain the same.

Regards

Brad